

UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILHELMUS J.M. DIEPSTRATEN,
MICHAEL A. FISCHER and WESLEY D. HARDELL

Application 09/213,984

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On November 5, 2004, applicants filed a timely Reply Brief.

In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a) (1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Application No. 09/213,984

Accordingly, it is

ORDERED that the application is returned to the Examiner for consideration and proper response to the Reply Brief, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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